

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE ANTONIO VILLEGAS,

§

Debtor.

§

ANTONIO VILLEGAS,

§

Plaintiff,

§

v.

§

MONTANA BAM PROPERTIES LLC and
MAB REAL ESTATE, L.P.,

§

Defendants.

§

EP-09-MC-005-FM

ORDER GRANTING MOTION TO DISMISS

On this date, the Court considered Montana BAM Properties LLC and MAB Real Estate, L.P.'s (collectively, "Defendants") "Motion to Dismiss" [Rec. No. 4], filed April 22, 2009. On January 6, 2009, the Deputy Clerk of the United States Bankruptcy Court for the Western District of Texas ("Western District Bankruptcy Court") transmitted "Defendants' Motion to Withdraw Reference" [D.C. Rec. No. 1-2; B.C. Rec. No. 16]¹, filed December 10, 2008, for the Court's review. In Defendants' Motion to Withdraw Reference, Defendants request the United States District Court to withdraw the adversary action No. 08-3028-LEK from Western District Bankruptcy Court to the United States District Court for trial by jury.

In their Motion to Dismiss, Defendants state on March 19, 2009, Defendants and Antonio Villegas filed their Joint Motion to Compromise Controversy in the main Chapter 11 bankruptcy case, which the Western District Bankruptcy Court approved at a hearing held on April 8, 2009. Defendants state the parties have compromised and settled their disputes, and therefore, there is no need for the

¹ "D.C. Rec. No." refers to the Record number for the district court, while "B.C. Rec. No." pertains to the Record number in the bankruptcy court.

instant action to proceed. Defendants request the Court to dismiss with prejudice the above-captioned cause. On April 9, 2009, the Western District Bankruptcy Court entered its "Order of Dismissal" [B.C. Rec. No. 47], dismissing the adversary action No. 08-3028-LEK.

There being no live controversy pending in the above-captioned cause, the Court accordingly **GRANTS** Defendants' Motion to Dismiss [Rec. No. 4]. The above-captioned cause is **DISMISSED WITH PREJUDICE**, with the parties to bear their own costs. All other pending motions in this matter, if any, are **DENIED** as **MOOT**. The Clerk of the Court is instructed to **CLOSE** this case.

SO ORDERED.

SIGNED this 30 day of April, 2009.



Frank Montalvo
FRANK MONTALVO
UNITED STATES DISTRICT JUDGE